

## **Down with political bespredel...Leonid Grach and political earthquakes in the Crimea**

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«Down with legal bespredel» the crowd shouted at the rally in Simferopol organized in support of Speaker of the Crimean parliament and leader of Crimean Communists Leonid Grach. By the decision of the court of the Tsentralnyi borough of Simferopol, one of the «masters» of the Crimean parliament and a favorite of the election race Leonid Grach was formally disqualified from the race.

On February 25, the court abolished as illegitimate the decision of the regional election commission #25 of February 5 on the registration of Leonid Grach as a candidate for the Crimean parliament. The judgment of the court was based on the fact that Grach had lied in his income declaration: he had received 40,000 UAH for the sale of an apartment he had owned but had not include that amount in the income declaration that the law required all candidates to do. He also reported to own a much smaller (and, hence, far less expensive) house than he actually did. To complete the picture, the registration documents submitted to the election commission had not been filled out by Leonid Grach personally, which is considered an offence of the election law. Taking into account the above violations, the court judged to satisfy the complaint, submitted by Inna Galkina, the authorized representative of a candidate for the Crimean parliament, president of the Chornomorska TV Company and member of the Public Committee «Transparent Power» Tetyana Krasikova, who runs for a seat in the constituency #25.

The Central Election Commission had little to do or say about the incident. Chairman of the CEC Mykhailo Ryabets announced that interference of any state bodies with the case would be against the law: he argued that the final decision on the incident may be made by the court alone and said he believed a senior court would reconsider the case.

However, no changes have occurred so far. On March 1 the Supreme Court of Ukraine returned the complaint of the Crimean Speaker to the Tsentralnyi borough court of Simferopol that had abolished Grach's registration as a candidate. According to Article 323 of the Civil Processual Code, an appeal is submitted through the primary court that has considered the case. On March 5 the Tsentralnyi borough court of Simferopol rejected Grach's appeal. The judgment was explained by the norm of the Civil Procedural Code by which the disqualification from the race is finite and cannot be challenged. However, Leonid Grach still hopes that the Supreme Court of Ukraine will satisfy his appeal.

The Speaker's supporters believe that the court's judgment was motivated by a «political order», and Grach's lawyer Irina Romanova announced they were prepared «to demand justice» and go as far as the European Court (UNIAN, February 25, 2002).

Hence, the situation opened the way for far-from-rhetoric questions: «What is to be done?» and «Who is to blame?». Grach's supporters have been doing their best to find answers to both of the questions. On February 28, secretary of the Central Committee of the Communist Party of Ukraine Valentin Matveyev announced that the move against the Crimean Speaker had been initiated by former chairman of the Council of Ministers of the Crimea Sergey Kunitsyn. Kunitsyn responded by suggesting that there had been two things that had let the Speaker down: «his staff who did not think it necessary to tell him that the registration documents had drawbacks» and «the excessive feeling of self-consciousness that resulted in claims that he would be definitely elected as the Speaker again» (Den, February 27, 2002). Kunitsyn absolutely disagreed with the assumption that the court's judgment on disqualification of Grach had been made under pressure from Kyiv and refuted the claim that the judgment could have been influenced by his supporters who run for seats in the Crimean parliament as «Sergey Kunitsyn's team».

Meanwhile, Leonid Grach had a different opinion: «as far as the fight of my opponents against me is concerned – it is obvious..., the court wants to approve, following artificial motifs, the judgment to disqualify me from the registration as a candidate for a seat in the Verkhovna Rada of the Crimea or do something else to kick me out of action and ruin all key links of Grach's Crimean block – all that goes from the official Kyiv...» (Den, February 26, 2002).

The official Kyiv said nothing in particular. On February 27, when President Kuchma was visiting Odessa, he said that the situation in the Crimea had been caused by the deficiency of the Ukrainian judiciary system «when a judge decides and a borough court, as a result, is the final instance». Head of the presidential administration Volodymyr Lytvyn noted that «legal issues should not be mixed up with political ones, and one should not try to put politics on legal aspects», for even «the president himself, no matter how he could want to, cannot abolish the court's judgment» (UNIAN, February 27, 2002). Hence, the court's verdict is final and there is no one who would have the authority to abolish it.

Obviously, Leonid Grach was not happy about that. Seeking to secure the revision of the judgment, he made two statements that were further developed in subsequent events. The Communists came up with the idea to initiate a referendum and called on the people to boycott the March 31 elections. «We have enough forces and authority to call on all Crimeans not to come to the polling stations on March 31 and not to vote for any candidates to the national parliament and the Crimean parliament» Grach warned. At one of the rallies he stated that the elections in the Crimea will take place only when he, as a candidate, was going to participate (UNIAN, February 27, 2002).

The calls for boycotting the elections did not go unnoticed by the official Kyiv, as they

closely resembled outright blackmail. If the Crimean elections do not take place, «some other form of power» will be introduced in the Crimea, for «somebody has to perform the power functions», Speaker of the national parliament Ivan Pliushch explained (Interfax-Ukraina, March 5, 2002).

The referendum theme immediately shifted into the pro-Russian rhetoric that was not unusual in the peninsula. «Today Kyiv exerts pressure on the position which I express as the leader of the Crimea who stands for integration processes and protects pro-Russian feelings,» Grach was quoted as saying by the Den daily, «and I reserve the right to seek political support from the Crimean society, the Russian society included» (Den, February 26, 2002). Very promptly, in a couple of days, the idea of protection «pro-Russian feelings» found a logical response. On February 27, meeting his potential voters at the central square of Simferopol, the Lenin Square, Leonid Grach told his supporters that the court's judgment had been «obviously based on anti-Russian sentiments». He argued that he and his block stood on pro-Russian positions and advocated approximation of Ukraine with Russia. The meeting produced an old Crimean scare-grow – the threat to announce a referendum on joining the peninsula to the Russian Federation. «We reserve the right to speak about a referendum, but so far it is too early to speak about the referendum,» Grach said (UNIAN, February 27, 2002).

The accusations opened an opportunity to interpret the court's judgment as an anti-Russian action, claiming that it was made against the major Crimean peace-maker and advocate of the rights of Russians in Ukraine.

The official Kyiv reacted to the calls for a referendum with mild surprise. On February 28 Deputy Speaker of the Ukrainian parliament Stepan Hawrysh said he knew Grach as a thoughtful and responsible person and believed that the words about the referendum about the status of the Crimea were emotional, ill-conceived, absolutely not argued and looked like blackmail.

On March 1, Leonid Grach, probably having thought about possible implications, shifted the emphasis of his calls and announced that holding a referendum does not require one «to be very wise». According to Leonid Grach's new opinion, «in the current reality and the current geopolitical conditions it is incorrect and legally absurd, and politically criminal», for «there is a need to fight for the implementation of the constitutional authority of the Autonomous Republic of the Crimea» (UNIAN, March 1, 2002).

However, the initial statements in favor of a referendum with a pro-Russian agenda played their role, and every interested party heard exactly what it wanted to hear. The Russian political circles reacted immediately. On February 27, Speaker of the Russian Duma Gennady Seleznev, presumably after having studied the Ukrainian law, announced that «there are no reasons for exclusion of Speaker of the Crimean parliament Leonid Grach from the list of candidates for the Crimean parliament.» He argued that disqualification of Grach from the race had been based on «obviously imagined» reasons (UNIAN, February 27, 2002). «I would like to see the campaign against Grach to come to an end; nowadays it is very important that his rights are restored, it's important for the

Crimea and for Ukraine as a whole,» the Russian Duma Speaker argued. The statement resembled very much the documents on the Crimea that had been issued in large numbers by Russian politicians in early 1990s when the processes of formation of the Russian-Ukrainian relations in the context of their attitudes to the status of the Crimea were under way, and when the Crimean separatism flourished. Though, regardless of the language, the current situation differs radically from the developments of the past, as major problems of the Ukrainian-Russian relations, including the issues of the territories, were settled in the Treaty of Friendship, Cooperation and Partnership between Ukraine and the Russian Federation, ratified by the parliament of Ukraine on January 14, 1998.

However, on February 27, 2002, leaders of a number of Russian left and right-wing political forces called on Ukrainian President Leonid Kuchma to «restore justice» and allow Leonid Grach to take part in the March 31 parliamentary elections. The appeal referred to the use of «dirty techniques» against the «consistent supporter of the Russian-Ukrainian friendship» and was signed by Sergey Shoigu, Yuri Luzhkov, Boris Nemtsov, Gennady Raikov and Gennady Zyuganov. Commenting on the situation became unprecedentedly active and moved to the unsafe sphere of speculations about rights of Russians in Ukraine and prospects for maintaining inter-ethnic peace and harmony in the peninsula. Nowadays political supporters of Leonid Grach seek to re-animate the slogans once used by Grach himself, claiming that the Crimea risks almost inevitably to deteriorate into another Chechnya or Kosovo. Leader of the Russian Communists Gennady Zyuganov spoke to the Crimeans directly about the current developments as «the first step on the way of transformation of the Crimea into an arena of heated clashes like in the autonomous region of Kosovo» (Den, February 28, 2002).

While the demands of the Russian politicians come very close to interference with Ukraine's internal affairs, and it is hardly possible to imagine the Ukrainian authorities making similar claims concerning the outcome of elections in the Russian regions, the reaction of the official Kyiv has been surprisingly calm. Presidential chief of staff Volodymyr Lytvyn confined himself to saying that statements of some Russian politicians «border on interfering with Ukraine's internal affairs» (UNIAN, February 27, 2002). Meanwhile, the activism of the Russian politicians only illustrated the fact that was no secret to anyone: the importance of Leonid Grach as a leading Crimean politician for the Russian political and business elite, particularly in the context of privatization that continues in the Crimea.

The incident was not resolved through open letters, rallies and statements. On February 26, the Crimean election commission disqualified from the race 30 other candidates running for seats in the Crimean parliament. Most of the candidates could be seen as opponents of Grach. The list of «victims» included members of the «Kunitsyn's team» and the Public Committee «Transparent Power», Kunitsyn himself, representatives of the Sojuz party Volodymyr Klychnikov and Oleksiy Shadskikh, as well as Tetyana Krasikova, whose authorized representative had filed the notorious complaint against Grach. The election commission explained that the disqualified candidates had failed to submit obligations to take a leave from their official duties for the period of the election campaign.

Crimean politicians saw the actions as «Grach's revenge», as chairman of the Public Committee «Transparent Power» Andriy Senchenko put it. Yet, on February 28 chairman of the Crimean election commission Ivan Poliakov had to apologize to the candidates he had disqualified earlier for «illegitimate decision of the election commission» (UNIAN, February 28, 2002). The situation deteriorated to a crisis when a member of the Crimean election commission Antonina Ustinova open the safe in the office of the election commission chairman and removed the official registration papers in order to hide them in the office of veterans of war, labor and military service (Ukrainska Pravda, March 4 2002). Later on, however, the documents were returned, but the chairman of the Crimean election commission demanded that some members of the commission should be dismissed.

Apparently, the conflict is far from resolved. Even if Grach does not take part in the March 31 elections, he will still be able to participate in by-elections to the Crimean parliament. Although the situation is psychologically tense, it cannot be seen as the complete failure of, and loss for Grach. In a sense, he can even see his personal political ranking increase and his chances in fighting for power improve. No matter how the current scandal ends, it may be used by the Crimean Communists for their purposes.

There is another interesting trend of the current elections that is well illustrated by the «Grach case» – that is, the increasing role of the judiciary in the election process, from the abolition of the free movement ban to Yulia Tymoshenko to the recent Crimean events. Apparently, judges will have a lot to do after March 31 dealing with complaints about irregularities and violations in the course of the campaign, and it is possible that some of the candidates and their supporters will have to abandon their ambitions for a while.

Hence, the epicenter of political earthquakes has moved to the Crimea. More «shakes» are likely to follow, as the peninsula has become politically hyperactive again.